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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PRINCE, FRED G

ART UNIT	PAPER NUMBER
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1724

2

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,977

Applicant(s)

JENSEN, KYLE R.

Examiner

Fred Prince

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 28 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7, 11-13, 15, 20-26 and 30-33 is/are rejected.
- 7) ☐ Claim(s) 8-10, 14, 16-19, 27-29 and 34-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4, 6-7, 11, 12, 15, 20, 23, 25-26, 30, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnon et al. in view of Adey.

Montagnon et al., directed toward a method and system of treating water, discloses a method and system of treating water from a body of water, using ozone to reduce a concentration of microorganisms (col. 5, lines 58-65) and flowing water over algae (col. 10, lines 21-37) and activated carbon (col. 3, lines 5-8). Montagnon et al. do not disclose using attached algae or exposing the water to UV light.

Adey, also directed toward a method and system of treating water, discloses using attached algae in order to remove pollutants from water (col. 3, lines 27-41) and exposing the water to natural light (col. 10, lines 23-35), which inherently comprises UV light, in order to enhance growth of algae.

It would have been obvious for the skilled artisan to have modified the method and system of Montagnon et al. by using attached algae in order to remove pollutants from the water and to have used UV light in order to enhance the growth of algae, as suggested by Adey.

Art Unit: 1724

Per claims 11, 15, 30, and 33, it is submitted that it is conventional in the art to recirculate water to previous steps of an operation in order to provide redundant treatment without using multiple units of like kind.

Accordingly, it would have been obvious for the skilled artisan to have recirculated water to previous steps of the process in order to provide redundant treatment without using multiple units of like kind, as known in the art.

3. Claims 5, 13, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnon et al. in view of Adey as applied above, and further in view of Paillard.

Montagnon et al., as modified by Adey, is described above. Montagnon et al., as modified by Adey, do not disclose the specified ozone exposing means.

Paillard, also directed toward a method and system of treating water, discloses using the specified ozone exposing means in order to render to the water suitable for drinking (col. 1, lines 7-12; col. 4, lines 57-65).

It would have been obvious for the skilled artisan to have modified the method and system of Montagnon et al., as modified by Adey, by utilizing the specified ozone exposing means in order to render to the water suitable for drinking, as suggested by Paillard.

4. Claims 3, 22, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montagnon et al. in view of Adey as applied above, and further in view of Last.

Montagnon et al., as modified by Adey, is described above. Montagnon et al., as modified by Adey, do not disclose generating ozone by the recited means.

Art Unit: 1724

Last, also directed toward a method and system of treating water, discloses generating ozone by the specified means in order to allow simultaneous disinfection with ozone and ultraviolet light while reducing raw material costs (col. 2, lines 21-44).

It would have been obvious for the skilled artisan to have modified the method and system of Montagnon et al., as modified by Adey, by the specified means in order to allow simultaneous disinfection with ozone and ultraviolet light while reducing raw material costs, as suggested by Last.

***Allowable Subject Matter***

5. Claims 8-10, 14, 16-19, 27-29, and 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

While claims 1 and 20 are not patentable for the reasons provided above, in the examiner's opinion, the prior art fails to teach or fairly suggest a method or system further including a step or means of providing pesticide to the water. The instant invention provides the advantage of controlling insect infestation and detoxifying the base.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are cited of interest to show the state of the art.

Art Unit: 1724

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Prince whose telephone number is (703) 306-9169. The examiner can normally be reached on Monday-Thursday, 6:30-4:00; alt. Fridays 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Simmons can be reached on (703) 308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Fred Prince*  
Fred Prince  
Patent Examiner  
Art Unit 1724  
January 21, 2003